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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,890	04/08/2002	Stefan Schmidt	21195.PUS	6706

7590

08/08/2003

Eugene E Renz, Jr  
205 N Monroe Street  
P O Box 2056  
Media, PA 19063

EXAMINER

LAUCHMAN, LAYLA G

ART UNIT

PAPER NUMBER

2877

DATE MAILED: 08/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/009,890

Applicant(s)

SCHMIDT, STEFAN

Examiner

L. G. Lauchman

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 15-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15 - 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (6,133,986).

As to Claim 15, Johnson teaches a microlens scanner (see Figs. 2 and 3), comprising a detector array 14, a microlens array 2, which is disposed in front of the object array 12, a field lens 56, which is disposed in front of array 12, a light source 9, the radiation of which is coupled in by means of a beam splitter 13 between the field lens 56 and an objective 57 (see Figs. 18 and 19) wherein the objective, together with the lens 56, simultaneously images all pupils of the microlens array 2 on to the detector array.

As to Claim 16, Johnson teaches everything as applied to Claim 15, and the filed lens 56 and a further lens 60 form a telescopic arrangement which illuminates the object array 12 with light from the light source 9.

As to Claim 17, Johnson teaches everything as applied to Claim 15, and a diaphragm 59 (see Fig. 18) disposed between the field lens 56 and the objective 57, wherein the beam splitter 13 is located between the diaphragm 59 and the filed lens 56.

As to Claim 18, Johnson teaches everything as applied to Claim 15, and the field lens 56 and the objective 57 affect telecentric imaging of the pupil plane of the microlens array 2 onto the detector array 14.

As to Claim 19, Johnson teaches everything as applied to Claim 15, and a reflecting element 62 (see Fig. 20) for folding the beam path for illumination, provided between the field lens 56 and the diaphragm.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (6,133,986).

As to Claim 20, Johnson teaches everything as applied to Claim 15. However, the patent does not teach one that the object array is slidable, however the object array in the Johnson invention is scanned so that exposures are made when the microlens focal points on the object are centered on the pixels. It would have been obvious to slide the object array instead of scanning in order to achieve the same effect.

As to Claim 21 and 22, Johnson teaches everything as applied to Claim 15. However, the patent does not disclose a switchable light source. However, choosing the light source involves only routine skill in the art.

As to Claims 23 and 24, Johnson teaches everything as applied to Claim 15. However, the patent does not disclose that the microlens array can be swiveled out. It would have been obvious to one skilled in the art to have the microlens array being able to be swiveled out since that would have allowed the system to be adjusted for different measuring applications.

Claims 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (6,133,986), and in view of Graighead (5,867,266).

Johnson teaches everything as applied to Claim 15, however, the patent does not teach that the system is applicable of measuring absorption, fluorescence, and luminescence, and that it is used as a reader for microtiter plates. The patent to Craighead teaches an apparatus similar in structure (see Fig. 6) for measuring absorption, or reflection or fluorescence. It would have been obvious to use the system of Johnson to measure fluorescence because measuring fluorescence, luminescence, or absorption does not differentiate the claimed apparatus from the Johnson's apparatus satisfying the claimed structural limitations.

### ***Conclusion***

Papers related to this application may be submitted to Technology Center 2800 by facsimile transmission. Papers should be faxed to TC 2877 via the PTO Fax Center located in CP4-4C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Center number is (703)308-7722 or 308-7724.

If the Applicant wishes to send a Fax dealing with either a Proposed Amendment or for discussion for a phone interview then the fax should:

a) Contain either the statement "DRAFT" or "PROPOSED AMENDMENT" on the Fax Cover Sheet; and

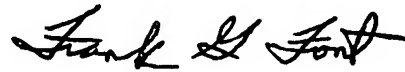
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b) Should be unsigned by the attorney or agent.  
This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to L. G. Lauchman whose telephone number is (703) 305-0071.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC receptionist whose telephone number is (703) 308-0956.

L. G. Lauchman  
Patent Examiner  
Art Unit 2877  
7/25/03/lgl



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Frank G. Font  
Supervisory Patent Examiner  
AU 2877